



<u>Chico</u> Enterprises, Inc.

331 BEECHURST AVENUE MORGANTOWN, WV 26505-4997 PHONE 304-292-9433 FAX 304-292-1527

August 26, 2004

Mr. David Toth Environmental Engineer U. S. Environmental Protection Agency (3WC31) 1650 Arch Street Philadelphia, PA 19103

Dear Mr. Toth:

In reference to your NOV R3-04-NOV-UST-08 dated July 30, 2004, that arrived at our office August 3, 2004, enclosed are the line leak detector test records for Facilities 3103958 and 3103960.

As agreed to during a telephone conference on July 2, 2004, at 2:46 p.m. between you, Marie Owens and I, we have fulfilled all of our obligations relating to this matter and expect the Notice of Violation to be dropped and no penalties will be assessed.

As I stated during our conversation, I continue to maintain that we were operating in full compliance with all regulations under 40 CFR 280.44 (c), which allows "applicable tank methods in 280-43(e) through (h)" of which "g" allows interstitial monitoring and the fact that this method was approved during installation in 1994 and used in subsequent DEP training seminars. I expect to have independent third-party verification of this detection method.

Respectfully,

Don Killmeyer

Enclosures: Test Record

Cc: James N. Webb, Associate Division Director, Office of Enforcement, Waste & Chemicals Management Division

Mike Dorsey, West Virginia DEP









LDT-890 Le	ak Det	ector Test Record					
Contractor		Customer (JASON MILLER					
Tri-State Petroleum Servi	œs	ALL STAR EXPRESS # 6					
Date Location	AUE.	Product Line					
7/12/04 MORGANTON	<u>0.w0.</u>	☐ Regular ☐ Super Unleaded ☐ Diesal					
Technician Pa.DP # 3812 MDIC # 2004-0259 Alan E. Sisler W.DP # C437		☐ Unleaded ☐ Midgrade					
Submersible Pump Identification							
Manufacturer Mode		el No. Serial No.					
RED JACKET P75		551					
	Dectecto	r Identification					
Manufacturer Description Diaphragm-type		Other Style Leak Detector					
VMI (LD-2000) Piston-ty		Tamper-proof seal installed? Yes □ No 💆					
		Submersible Pump ispenser					
1. Operating Pump Pressure:	ml ml	Line pressure with pump shut off (LD installed) [7.5] ps					
		delines for GPH test rate.)					
4. GPH confirmed: 3.0	10.480a++	7. Confirm sensing of calibrated lead? Yes X No 🗌					
5. 95 ml at 10 psi (6.) in 30 seconds (See Page 2, No. 17 & Appendix A.)		s. 8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes 🔀 No 🗌					
	Pressure	Step Test					
9. With 4-way selector in Pressure Step Test	position, turn o	n pump.					
Record step-through time to full flow:	3.0 sec.						
[Note: If time is excessive (more the	an 3 seconds), See Test Protoc	isolate leak detector and test independent from line.] ol No. 1, Page 5)					
	Reset	Test					
10. Leak detector resets to leak search posit	on from GPH to	est orifice?					
(See N	lote No. 1, Pag	e 6 in Test Protocol 1)					
Piston Seal Leak Test	(Red Jacke	t PLD, XLP, & Vaporless LD-2000)					
11. Seal/Pressure relief tight? Yes ⋈ No							
(See	No. 31, Page :	3 in Test Protocol 1)					
Note Yes Leak detection fits test protoc		Leak Dectector Test Pass Fail					
No = Leak detector fails test protoc	ol.	•					

^{*} Complete thermal expansion test before failing leak detector.
© 1991 Vaporiess Manufacturing, Inc. Prescott Valley, Arizona

LDT-890 Leak Detector	r Test Record
-----------------------	---------------

LD1-89	o Leak Del	ector rest Record					
Contracto	r	Customer (JASON Mille					
Tri-State Petrol	eum Services	ALL STAR EXPRESS #6					
Date Location		Product Line					
7/12/04	, Pa.UEP # 3812	☐ Regular ☐ Super Unleaded ☑ Diesal					
Technician Alan E. Sisler	MDIC # 2004-0259 W.DEP # C437	☐ Unleaded ☐ Midgrade ☐ Other					
Submersible Pump Identification							
Manufacturer Mode		el No. Serial No.					
RED JACKET	P75	5S1					
	Leak Dectecto	or Identification					
Manufacturer	Description	Other Style Leak Detector					
	Diaphragm-type						
VMI (LD-2000)	Piston-type 5	Tamper-proof seal installed? Yes □ No					
	Leak Dectector In S	Submersible Pump					
	Test at D	dispenser dispense dispenser dispense dispenser dispense dispenser					
(Refer to Page 5, No. 2-C) (F 4. GPH confiirmed: 3.0 5. 95 ml at 10 psi (6.) (See Page 2, No. 17 &	Follow manufacturer's gui	nfirm Leak Rate ridelines for GPH test rate.) 7. Confirm sensing of calibrated lead? Yes A No E s. 8. Confirm sensing of calibrated leak after dispenser nozzle is keyed and released? Yes X No E					
	Pressure	Step Test					
9. With 4-way selector in Pressu	re Step Test position, turn o	on pump.					
Record step-through time to	full flow: 2.0 sec.						
[Note: If time is excessi		isolate leak detector and test independent from line.]					
	Reset	t Test					
10. Leak detector resets to leak search position from GPH te		test orifice? Yes 🗌 No 🔀					
•	(See Note No. 1, Page	ge 6 in Test Protocol 1)					
Piston Seal	Leak Test (Red Jacke	et PLD, XLP, & Vaporless LD-2000)					
11. Seal/Pressure relief tight? Yes No □							
. 1	(See No. 31, Page 3	3 in Test Protocol 1)					
Note (Ves = Leak detection fit		Leak Dectector Test Pass X Fail					
	-	* Consolete the good averaging test before 4-11: I I. d. I.					

Complete thermal expansion test before failing leak detector. © 1991 Vaporless Manufacturing, Inc. Prescott Valley, Arizona

LDT-890 Leak Detector Test Record Customer JASON MILLER Contractor Tri-State Petroleum Services EXPRESS Product Line 1205 DORSEY AVE Date MORGANTOWNIWV ☐ Regular Super Unleaded ☐ Diesal Halder # 3812 MDIC # 2004-0259 W.DEP # C437 Technician □ Unleaded ☐ Midgrade Other Alan E. Sisler Submersible Pump Identification Model No. Serial No. Manufacturer P7551 Leak Dectector Identification Description Other Style Leak Detector Manufacturer Diaphragm-type Tamper-proof seal installed? Piston-type X Leak Dectector in Submersible Pump Test at Dispenser General Line and Pump Information 1. Operating Pump Pressure: 28.0 psi 3. Line pressure with pump shut off (LD installed) 18.0 psi 2. Bleedback Test With Pump Off: 300 (Refer to Page 5, No. 2-C) Calibrate & Confirm Leak Rate (Follow manufacturer's guidelines for GPH test rate.) 7. Confirm sensing of calibrated lead? Yes X No 🗌 * 4. GPH confirmed: 30 _ ml at 10 psi (6.) in _ seconds. 8. Confirm sensing of calibrated leak after dispenser (See Page 2, No. 17 & Appendix A.) nozzle is keyed and released? Yes 🛛 No 🗌 **Pressure Step Test** 9. With 4-way selector in Pressure Step Test position, turn on pump. Record step-through time to full flow: 3.0 sec. [Note: If time is excessive (more than 3 seconds), isolate leak detector and test independent from line.] (See Test Protocol No. 1, Page 5) **Reset Test** Yes 🗌 No 🛛 10. Leak detector resets to leak search position from GPH test orifice? (See Note No. 1, Page 6 in Test Protocol 1) Piston Seal Leak Test (Red Jacket PLD, XLP, & Vaporless LD-2000) Yes 🔯 No 🗌 11. Seal/Pressure relief tight? (See No. 31, Page 3 in Test Protocol 1)

Pass 🕅 Fail 🗌

Leak Dectector Test

Leak detection fits test protocol.

No = Leak detector fails test protocol.

^{*} Complete thermal expansion test before failing leak detector.
© 1991 Vaporless Manufacturing, Inc. Prescott Valley, Arizona

/ L DT-800 I	Look Det	tact	or Tos	t Record	•		
		Customer (JASON MITTER)					
Contractor Tri-State Petroleum S	Services			_		"""	
		ALL STAR EXPRESS #6					
Date 1205 DORSEY AVE. 7 12 04 MORGANTOWN, WV		18	Regular	☐ Super Unleade	ed 🗍	Diesal	
Technician Pa.I	EP # 3812	7		_	_		
Alan E. Sisler W.DEP # C437)	Unleaded	☐ Midgrade	···	Other	
Sub	omersible Pu	ımp l	dentificat	tion			
Manufacturer	Mod	iel No.		Serial No)-		
RED JACKET	P7	7551					
	eak Dectecto	or Ide	ntificatio	n			
Manufacturer Desc Diaphragm-tyr		n Othe		Other Style Leak	er Style Leak Detector		
		Ø.	Tamper-pro	oof seal installed?	Yes []	No X	
	ak Dectector In Test at L	•		* 7		······································	
Ge 1. Operating Pump Pressure: 28	eneral Line and	•		on oump shut off (LD inst	alled)	6.5 psi	
2. Bleedback Test With Pump Off: 2	.75 ml						
(Refer to Page 5, No. 2-C)							
(Follow	Calibrate & Co			st rate.)			
4. GPH confiirmed: 3.0		7	. Confirm sens	sing of calibrated lead	? Yes 🔀	No □ *	
5. 95 ml at 10 psi (6.) in (See Page 2, No. 17 & Appen	_3osecond	ds. 8		sing of calibrated leak s keyed and released		nser No 🗌	
· 	Pressure	Step	Test		7,77,77	· · · · ·	
9. With 4-way selector in Pressure Step		•					
• •		•	J.				
Record step-through time to full flow							
[Note: If time is excessive (mo	ore than 3 seconds) (See Test Proto	, isolate col No.	leak detector 1, Page 5)	and test independent	from line.]		
	Rese	et Test					
10. Leak detector resets to leak search position from GPH to		test onfi	ce?		Yes 🗌	No 🂢	
. (5	See Note No. 1, Pa	ge 6 in 1	est Protocol 1)			
Piston Seal Leak	Test (Red Jack	et PLD	, XLP, & Va	porless LD-2000))		
11. Seal/Pressure relief tight?					Yes 🔀	No 🗌	
	(See No. 31, Page	3 in Te	st Protocol 1)				
Note Yes Leak detection fits test p	orotocol.	L	eak Dect	ector Test	Pass 🛛	Fail 🔲	

No = Leak detector fails test protocol.

^{*} Complete thermal expansion test before failing leak detector.
© 1991 Vaporless Manufacturing, Inc. Prescott Valley, Arizona